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| 09/932,195      | 08/17/2001  | Matias G. Duarte     | 4676P018            | 4848             |

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EXAMINER

FRIEDHOFFER, MICHAEL A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2832

DATE MAILED: 03/15/2002

#21

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/932,195

Applicant(s)

DUARTE, MATIAS G.

Examiner

Michael A. Friedhofer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because the phrase "In one embodiment" should be deleted. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

2. Claims 1-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2 "the key" has no antecedent basis.

In claim 1, line 3 "one or more keys" is an improper form of the alternative. Also it is unclear whether these are related to the key previously claimed or are separate and distinct keys.

In claim 1, line 4 "each key" and "each glyph" have no antecedent basis.

In claim 2, line 1 there are characteristics claimed in claim 1 so it is unclear whether these are the same characteristics.

In claim 4, "the top surface" and "the key" have no antecedent basis.

In claim 5, "the top surface" and "the key" have no antecedent basis.

In claims 6 and 9, "the key" has no antecedent basis.

In claims 7, 8, and 10, "the glyph" has no antecedent basis.

In claim 11, "the first key" has no antecedent basis.

In claim 12, "the glyphs" has no antecedent basis.

In claim 13, "the glyphs" has no antecedent basis.

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In claim 13, prior to "each", insert --on--.

In claim 15, it is unclear whether the "at least one characteristic" is related to those already claimed or something different.

In claim 16, "the characteristic" has no antecedent basis.

In claim 17, it is unclear whether this glyph is related to the glyphs previously claimed.

In claim 18, "the contrast" and "the selected glyph" have no antecedent basis.

In claim 18, it is unclear whether the "selected glyph" and the other "glyph" are part of the glyphs previously claimed.

In claim 19, "the color" and "the selected glyph" have no antecedent basis.

In claim 20, "the contrast" and "the selected glyph" have no antecedent basis.

In claim 20, it is unclear whether the "selected glyph" and the other "glyph" are part of the glyphs previously claimed.

In claim 22, line 1 "on" should --one--.

In claims 23-26, "the key" has no antecedent basis.

In claims 27-31, "the glyph selector" has no antecedent basis.

In claim 32, line 3 "each glyph" has no antecedent basis.

In claim 32, line 4 it is unclear whether the "one glyph", the "at least one key", and "the key" are related to "the at least one glyph" and the "key" previously claimed within the claim.

In claims 34 and 35, "the selectable colors", "the selected glyph", and "the glyph" have no antecedent basis.

In claim 36, "the wavelength", "the color", and "the selected glyph" have no antecedent basis.

In claim 37, line 3 "each key" and "each glyph" have no antecedent basis.

In claim 37, line 5 "the color" has no antecedent basis.

In claim 37, line 6 "the contrast" and "the selected glyph" have no antecedent basis.

In claim 37, line 6 it is unclear whether the "selected glyph" and the other "glyph" are part of the glyphs previously claimed.

In claim 38, line 3 "each key" has no antecedent basis.

In claim 39, line 3 "each key" and "each glyph" have no antecedent basis.

In claim 39, line 5 "the selected color" has no antecedent basis.

In claim 39, line 6 "the contrast" and "the selected glyph" have no antecedent basis.

In claim 39, line 6 it is unclear whether the "selected glyph" and the other "glyph" are part of the glyphs previously claimed.

In claim 41, line 3 "each key" and "each glyph" have no antecedent basis.

In claim 41, line 5 "the perimeter" and "the selected color" have no antecedent basis.

In claim 41, line 6 "the contrast" and "the selected glyph" have no antecedent basis.

In claim 41, line 6 it is unclear whether the "selected glyph" and the other "glyph" are part of the glyphs previously claimed.

In claim 42, line 2 "the perimeter" has no antecedent basis.

In claim 43, it is unclear how the "first key of a plurality of keys" and "a second key of the plurality of keys" relates to the keys already claimed.

In claim 44, line 4 "each glyph" has no antecedent basis.

In claim 44, line 7 "the selected color", "the contrast", and "the selected glyph" have no antecedent basis.

In claim 44, line 7 it is unclear whether the "selected glyph" and the other "glyph" are part of the glyphs previously claimed.

In claim 47, line 4 "each glyph" has no antecedent basis.

In claim 47, lines 7-9 "the selected color", "the contrast", and "the selected glyph" have no antecedent basis.

In claim 47, line 8 it is unclear whether the "selected glyph" and the other "glyph" are part of the glyphs previously claimed.

In claim 48, "each glyph", "the perimeter", "the selected color", and "the contrast" have no antecedent basis.

In claim 48, line 8 it is unclear whether the "selected glyph" and the other "glyph" are part of the glyphs previously claimed.

In claim 49, "the perimeter" has no antecedent basis.

In claim 50, it is unclear how the "first of a plurality of keys" and the "second of a plurality of keys" relates to the keys previously claimed.

***Claim Rejections - 35 USC § 102***

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6, 11, 14, 15, 21-23, 25, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Andre.

Andre discloses in figures 1-4 a keyboard of an apparatus including a light source formed by lights 49 and 50; at least one key 40; and at least one glyph on each of the keys such that a characteristic of each glyph corresponds to the light provided by the light source. The characteristic of the light provided is selectable in which the location and the polarization of the light are the characteristics are selectable. The key is translucent. The selector is coupled to the light source and is formed by a selector button with corresponding circuitry. The lights are LEDs. The light source is shown to be either below the key or may be toward a side of the key or perimeter of the keyboard. As for the color of the key, the transparency of the key, type of light source, location of the light source, and selector utilized these are a matter of engineering design choice not affecting the purpose or function of the key and illumination thereof and would be based on the ergonomics desired by the manufacturer as well as the components available to the manufacturer.

***Claim Rejections - 35 USC § 103***

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 8, 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andre in view of Ushimaru.

Andre teaches all of the claimed limitations with the exception of the glyphs being transparent or translucent.

Ushimaru teaches a keyboard having illuminated keys in which the selectable glyphs are transparent and therefore translucent.

It would have been obvious to one of ordinary skill in the art to apply the teachings of Ushimaru to Andre to form the glyphs to be either transparent or translucent with an opaque key because this is for the purpose of enhancing the illumination and contrast of the glyph with relation to the key for better visibility.

7. Claims 16-18, 26, and 32-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andre in view of Helstern.

Andre discloses all of the limitations with the exception that the characteristic being selectable is color.

Helstern teaches an illuminated keyboard in which the keys are provided with a plurality of glyphs in which the colors are selectable based on the color of the lights being selected along with the color filters provided with the glyphs such that



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one glyph would contrast and the other would compliment the colors of the light source. The light source is located within the key.

It would have been obvious to one of ordinary skill in the art to apply the teachings of Helstern to Andre to utilize wavelength or color rather than polarization because the purpose of the glyphs and the use of a selectable source would not be altered by the characteristic chosen to be selectable only the method of filtering would be altered.

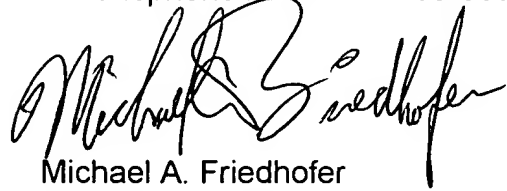
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pontetti et al, Nakajima et al, Thrash, Hirose et al, and Anderson et al teach a variety of illuminated pushbuttons having a plurality of glyphs with selectable sources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Friedhofer whose telephone number is 703-308-3304. The examiner can normally be reached on Mon-Fri 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 703-308-7619. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3432 for regular communications and 703-395-3432 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

A handwritten signature in black ink, appearing to read "Michael A. Friedhofer". The signature is stylized with a large, looped "M" and a long, sweeping "F".

Michael A. Friedhofer  
Primary Examiner  
Art Unit 2832

Maf  
March 8, 2002